



**January 18, 2010**

Dear Kitchen Cabinet members,

It's Martin Luther King Jr. day, but the Legislature is in full swing. This will no doubt be a busy week, the second of the eight-week session this year. You may have read the [article in last week's Seattle Times](#) which talked about my "[guilty and mentally ill](#)" legislation. [SB 6310](#) received a hearing in the Senate Committee on Human Services & Corrections last Friday. I've also uncovered some surprising statistics about exactly who is being released into Pierce County from state mental health facilities. I'll go into more detail about that a bit later in this update.

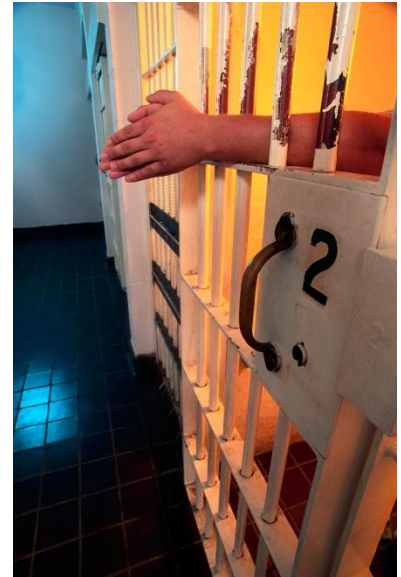
## **Constitutional amendment compromise**

Article 1, Section 20 of the state Constitution reads, "All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great." [Senate Joint Resolution 8218](#) would amend the state Constitution so that offenses which may result in a mandatory life sentence upon conviction are also not bailable. I've been discussing the bill with Senator Adam Kline, who chairs the Senate Judiciary Committee, and may have come to an agreement with him regarding the language of the resolution.

In speaking with representatives of the various county prosecutors, I've learned that what is considered a capital offense today is not the same as what was considered a capital offense in 1889 when our state Constitution was written. Back then, stealing horses and cattle were

considered capital offenses as well. The definition of a capital offense, for which you could get the death penalty, has narrowed to the point that it essentially only includes a single crime – aggravated first-degree murder.

This means that we need to expand the definition of capital offense in order to reflect the reality that there are some incredibly dangerous individuals out there. The man who murdered Lakewood Police Officers Mark Renninger, Greg Richards, Tina Griswold, and Ronald Owens was not adequately addressed by the current definition in the state Constitution.



The new language would read, “All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses ***and offenses that may result in a mandatory life sentence without the possibility of release upon conviction*** when the proof is evident, or the presumption great, ***subject to such standards of release upon bail as shall be determined by the Legislature.***” This means that we are going to give the people a chance to reinsert the Legislature alongside the judiciary in making these decisions, bringing some balance back to the system. The Legislature would then create a tool that judges must use when setting bail for offenders.

## Guilty and mentally ill

As I said earlier, I’ve uncovered some surprising facts regarding people found not guilty by reason of insanity and later released back into society in western Washington. For example, 51 percent of individuals charged with a crime who are found not guilty by reason of insanity in Washington come from King County, yet only 35 percent of them are released back to King County when treatment is finished.



I'm sure you won't find it at all surprising that **Pierce County contributes only 13 percent of the total population released from Western State Hospital, yet 41 percent are released onto our streets.** It's yet another example of how Pierce County has long been the dumping ground for not only criminals, but as we've just learned, those found not guilty by reason of insanity as well.

The top three crimes for which individuals were found not guilty by reason of insanity are murder, arson and assault. In both Western and Eastern

State Hospital, 26 and 28 percent of the population respectively are committed in connection with murder or attempted-murder charges. [You can find a more comprehensive list of individuals released from Western State Hospital and the crimes they were charged with, along with their county of origin and county of release here.](#)

My bill to create a new option of "guilty and mentally ill" ([SB 6310](#)) would give a defendant the same sentence that any other defendant convicted of the same crime would receive; only the individual would be committed to a secure mental health facility for 90 days before being transferred to DOC to complete his or her sentence in prison. The governor has suggested an even tougher stance, which is basically the same as my bill on this issue last session. I'm working to create a hybrid version of the two bills which would give a jury the option of finding someone guilty and mentally ill, but also giving them the discretion to send someone they find particularly dangerous straight to prison.

A good example of why this is needed is the case of Isaac Zamora. In 2008, Zamora killed six people near Mount Vernon. In the subsequent trials, he was found guilty of four of the six murders and not guilty by reason of insanity for the two others. **How can someone in the middle of a killing spree be insane for some of them and sane for others?** Zamora is now

at Western State Hospital where he is under 24-hour guard by members of the Lakewood Police Department. If someone is so dangerous that they require armed guards, that person should not be at a state hospital...that person should be in prison!

## **The status of my bills**

### **SB 6310 - Guilty and Mentally Ill**

*HEARD IN THE SENATE HUMAN SERVICES AND CORRECTIONS COMMITTEE JANUARY 15.* Allows a defendant who offers a timely defense of insanity to be found guilty and mentally ill at trial under certain circumstances.

### **SJR 8218 - Constitutional Amendment Restricting Bail**

*SCHEDULED FOR A HEARING IN THE SENATE JUDICIARY COMMITTEE TUESDAY, JANUARY 19.* Amends the state Constitution so that offenses that may result in a mandatory life sentence upon conviction are not bailable.

### **SB 6318 - Hospitals Reporting Violent Injuries**

*SCHEDULED FOR A HEARING IN THE SENATE HEALTH AND LONG-TERM CARE COMMITTEE WEDNESDAY, JANUARY 20.* Requires hospitals to report patients who have experienced gunshot wounds to a local law enforcement authority as soon as possible.

### **SJR 8208 - Conflicting Residency Requirements**

*REINTRODUCED FROM LAST SESSION – NOW IN THE SENATE RULES COMMITTEE AWAITING A FLOOR VOTE.* Would amend the state Constitution to repeal a conflicting residency requirement for voting in a presidential election.

### **SB 6317 - Assault of Police Officer**

A sentencing enhancement of three years is added for any conviction for Assault First Degree or Assault Second Degree involving a deadly weapon if the victim is a police officer who was performing his or her official duties.

**SB 6188 - Ten Percent Bail Bond Requirement**

Establishes a minimum bond fee of ten percent for crimes against persons, which include felony DUI, stalking, violation of a domestic violence no contact order, etc.

**SB 6313 - Bench Warrants Executed by Bail Bond Agents**

Allows courts to enter in to agreements with bail bond agencies to execute bench warrants.

**SB 6309 - Not Guilty by Reason of Insanity Inheritance**

Prohibits a person found not guilty by reason of insanity in a murder case from benefiting by their action.

**SB 5929 - Correctional Employees Firearms**

Permits properly trained correctional employees to carry firearms, without needing to obtain a concealed weapons permit.

**SB 6314 - Minimum Security Facilities**

Allows cities and counties to maintain minimum security special detention facilities.

**SB 6315 - Home Detention Requirements for Community Custody Violations**

Eliminates the possibility of home detention or any other alternative to confinement for offenders who are being supervised for a domestic violence offense or who commit a violation while armed with a deadly weapon.

**SB 6316 - Coordination Between Local Law Enforcement and DOC**

Requires notification of DOC when an inmate, housed in any city or county jail and under supervision by the department, escapes or is released, provides local law enforcement real-time access to the statewide corrections database, and allows local law enforcement to detain offenders in violation of their conditions of release with or without an arrest warrant having been issued.

**SB 6200 - Eminent Domain for Economic Development**

Prohibits a government agency from seizing property for the purpose of economic development.

**SB 6319 - Veteran's Preference**

Addresses a veteran's preference under the state civil service law.

**SB 6583 - Audits and Investigations**

Requires the director of financial management to take corrective action in response to certain audits and investigations

## **Unfinished business...**

Three of my bills from prior years have been reintroduced this session with new bill numbers:

**SB 6308 - Computer Access at SCC**

Prohibits any person committed or detained at the SCC from accessing a personal computer unless the resident's treatment plan states that such access is necessary.

**SB 6628 - No Public Art for Offenders**

Prohibits the use of public funds for art in the special commitment center on McNeil Island, halfway houses operated by DSHS and all DOC facilities.

**SB 6311 - Body Armor Sentencing Enhancement**

Increases the sentences given to felons who choose wear body armor during the commission of their crime.

## **In closing...**

If you know someone in our district who might be interested in receiving these updates, please feel free to forward this e-mail to him or her.

As always, if you'd like to contact me you can write, phone, e-mail, or stop by my Olympia office. I look forward to your comments and suggestions because they help me better represent you. My office phone number is (360) 786-7654, and my home phone number is (253) 581-2859. Or you can write me at **102 Irv Newhouse Building, P.O. Box 40428, Olympia, WA 98504-0428.**



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Sincerely,

Mike Carrell

28<sup>th</sup> District State Senator